



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/642,934

08/18/2003

Binh T. Nguyen

IGT1P279/P-835

4848

22434 7590 03/21/2008
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER

LEE, BENJAMIN WILLIAM

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,934	Applicant(s) NGUYEN ET AL	
	Examiner Benjamin W. Lee	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-24 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-24 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/02/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-24, and 35-37 are pending in this application. Claims 2 and 25-34 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 36 recites the limitation "tournament server" in line 1. There is insufficient antecedent basis for this limitation in the claim. It appears that claim 36 should be dependent on claim 14 instead of claim 35 and has been treated as such for this Office Action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 7-9, 13, 15, 18-20, 24, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Massey et al. (US 2004/0248652 A1, hereinafter Massey).

Re claims 1 and 37: Massey discloses a computer-implemented method/computer-readable medium with program code comprising receiving data indicative of a gaming unit on which a player has chosen to play a selected one or more games in a tournament (i.e. registration process, see ¶ [0033]-[0034]), wherein the chosen gaming unit is not configured for playing the one or more selected games in the tournament and gaming software for the one or more selected games is not stored on the chosen gaming unit when the data is received (the games must be downloaded or installed, see ¶ [0045]-[0046]), obtaining the gaming software for the one or more selected games and configuration data for configuring the chosen gaming machine for playing the selected one or more games in the tournament (see ¶ [0045]-[0046]), wherein the gaming software can effectively configure the chosen gaming unit for playing the one or more games in a tournament (see ¶ [0013]-[0015]), and after the player has chosen the gaming unit, loading the gaming software for the one or more selected games and the configuration data to the chosen gaming unit, thereby effectively configuring the chosen gaming machine for participation in the tournament play of the one or more selected games and enabling the player to use the chosen gaming machine to play the one or more games in the tournament (see ¶ [0047]).

Re claim 14: The teachings of Massey as applied to claims 1 and 37 above have been discussed. Massey further discloses a tournament server/main system server 300 comprising network interface operatively coupled to a network (see Fig. 6) and a controller operatively

Art Unit: 3714

coupled to the network interface, the controller comprising a processor and a memory operatively coupled to the processor (see Fig. 6; ¶ [0099]-[0100]), the controller configured to perform the method of claim 1 (see rejection of claim 1 above).

Re claim 3: The teachings of Massey as applied to claim 1 above have been discussed. Massey further discloses loading the gaming software to the chosen gaming unit comprises transmitting the gaming software via a network (see ¶ [0045]).

Re claim 4: The teachings of Massey as applied to claim 1 above have been discussed. Massey further discloses loading gaming software to the chosen gaming unit comprises loading the gaming software from a CD-ROM (see ¶ [0046]).

Re claims 7, 8, 9, 18, 19, and 20: The teachings of Massey as applied to claims 1 and 14 above have been discussed. Massey inherently discloses the gaming software comprises an executable file/configuration file/data file (the “actual game play software”, see ¶ [0045]).

Re claim 13: The teachings of Massey as applied to claim 1 above have been discussed. Massey further discloses if a plurality of winning players are determined, generating data indicative of a plurality of respective value payouts to be awarded to the plurality of winning players, wherein the plurality of respective value payouts comprises a plurality of shares of a jackpot (see Fig. 3).

Re claim 15: The teachings of Massey as applied to claim 14 above have been discussed. Massey further discloses the controller is further configured to determine whether the chosen gaming unit is already configured for playing in the tournament and load gaming software to the chosen gaming unit only if the gaming unit is not already configured for playing in the tournament (see ¶ [0033]; ¶ [0045]).

Re claim 24: The teachings of Massey as applied to claim 14 above have been discussed. Massey further discloses the controller is further configured to transmit a plurality of indicators of outcomes of games to the gaming unit (Fig. 4).

Re claims 35 and 36: The teachings of Massey as applied to claims 1 and 14 above have been discussed. Massey further discloses receiving a fee from a player to play in a tournament (see ¶ [0037]), determining a winning player of the tournament, if any, and if the winning player of the tournament is determined, generating data indicative of a value payout to be awarded to the winning player (see ¶ [0061]; ¶ [0065]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey in view of Okamoto (US 5,489,103).

The teachings of Massey as applied to claims 1 and 14 above have been discussed.

However, Massey fails to explicitly disclose confirming the gaming software was loaded to the gaming unit successfully.

Okamoto teaches a method for transferring game or karaoke data from a host facility to a plurality of terminals. At step S1150 the host facility is notified that the transmission was completed following the completion of a data transfer (see Fig. 6; col. 6, lines 32-42).

Therefore, in view of Okamoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the step of confirming a successful software load to the system of Massey in order to provide a more reliable and easier to troubleshoot data transfer.

9. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey in view of Schneier et al. (US 5,768,382, hereinafter Schneier).

The teachings of Massey as applied to claims 1 and 14 above have been discussed.

However, Massey fails to explicitly disclose authenticating the gaming software after loading the gaming software to the gaming unit.

Schneier teaches authenticating game software by generating a hash value of the game software (see Figs. 6A and 6B; col. 18, line 31 - col. 19, line 19).

Therefore, in view of Schneier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the step of authenticating the game software after loading in order to provide a more reliable and secure system.

10. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey in view of Morrow et al. (US 2003/0064771, hereinafter Morrow).

The teachings of Massey as applied to claims 1 and 14 above have been discussed.

However, Massey fails to explicitly disclose the gaming software comprises a pay table.

Morrow teaches a reconfigurable gaming machine wherein the game on the gaming machine may be changed by transferring new game software via a network. Morrow discloses that new pay tables may be downloaded (see ¶ [0012]).

Therefore, in view of Morrow, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the step of transferring a new pay table along with corresponding game software in order to provide a greater variety of game to players.

11. Claims 11, 12, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey in view of Halliburton et al. (US 2002/0052229 A1, hereinafter Halliburton).

The teachings of Massey as applied to claims 1 and 14 above have been discussed.

However, Massey fails to explicitly disclose randomly or pseudo-randomly generating a plurality of seeds for a random number generator to be implemented by the gaming unit.

Halliburton teaches a solitaire game played over the Internet that uses a server/client architecture. The sequence of cards for each player is determined by using a randomly generated seed to locally generate a random sequence of cards (see ¶ [0045], lines 19-23).

Therefore, in view of Halliburton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the server randomly generate a plurality of seeds and send them to game playing clients for generating random outcomes in order to provide more effective random number generation since the seed is generated independently of the gaming unit.

Response to Arguments

12. Applicant's arguments with respect to claims 1, 14, and 37, and by dependency, claims 3-13, 15-24, 35, and 36, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. W. L./
Examiner, Art Unit 3714

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
03/17/08